



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**MONDAY
November 15, 2004**

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22-04

PW:pw

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia, on Monday, November 15, 2004, at 9:09 a.m., there were present:

- Chairman Gerald E. Connolly, presiding
- Supervisor Sharon Bulova, Braddock District
- Supervisor Joan M. DuBois, Dranesville District
- Supervisor Michael Frey, Sully District
- Supervisor Penelope A. Gross, Mason District
- Supervisor Catherine M. Hudgins, Hunter Mill District
- Supervisor Gerald W. Hyland, Mount Vernon District
- Supervisor Dana Kauffman, Lee District
- Supervisor Linda Q. Smyth, Providence District

Supervisor Elaine McConnell, Springfield District, arrived at 11:18 a.m.

Others present during the meeting were Anthony H. Griffin, County Executive; David P. Bobzien, County Attorney; Catherine A. Chianese, Assistant to the County Executive; Regina Thorn Corbett, Assistant to the County Executive; Nancy Vehrs, Clerk to the Board of Supervisors; and Patti M. Hicks, Deputy Clerk to the Board of Supervisors.

BOARD MATTERS1. **MOMENT OF SILENCE** (9:09 a.m.)

Supervisor Hudgins asked everyone to keep in thoughts the family of Mrs. Janet Hays who recently died. Mrs. Hays and her husband, Dick, co-founded the Reston Bike Club in 1982 and were recently the "Best of Reston" 2004 award winners.

Supervisor Hudgins asked everyone to keep in thoughts the family of Ms. Sharifa El Khateeb who recently died. She was a long-time resident of the County and was an active advocate for cross-cultural and inter-cultural training in the public schools as well as on County boards, authorities, and commissions.

Supervisor Hyland asked everyone to keep in thoughts the family of Mr. Frank Meeks who recently died. Mr. Meeks owned the Domino's Pizza franchise known as "Team Washington." He served the Mount Vernon Community and his contributions will be missed.

Supervisor DuBois asked everyone to keep in thoughts the family of Ms. Jean Van Devanter White on the recent death of her mother, Helen Van Devanter.

(NOTE: Later in the meeting, the Board took action regarding the late Ms. Sharifa El Khateeb. See Clerk's Summary Item CL#37.)

2. **CHAIRMAN CONNOLLY NAMED PRESIDENT OF VIRGINIA ASSOCIATION OF COUNTIES (VACo)** (9:13 a.m.)

Supervisor Hyland announced that Chairman Connolly assumed the presidency of VACo last week. The inaugural ceremony took place during VACo's seventieth annual conference. Chairman Connolly served as president-elect for the last two years.

AGENDA ITEMS3. **CERTIFICATE OF RECOGNITION PRESENTED TO THE TOWN OF VIENNA** (9:14 a.m.)

Supervisor Hudgins moved approval of the Certificate of Recognition presented to the Town of Vienna for hosting a Capitol Holiday Tree Festival celebrating the last whistle-stop of the nation's holiday tree, the first-ever selected from Virginia, on its journey to the Ellipse. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor McConnell not yet having arrived.

4. **CERTIFICATE OF RECOGNITION PRESENTED TO THE MCLEAN LITTLE LEAGUE 9-10-YEAR-OLD SOFTBALL ALL-STARS** (9:19 a.m.)

Supervisor DuBois moved approval of the Certificate of Recognition presented to the McLean Little League 9-10-year-old Softball All-Stars for their accomplishments during the 2004 season and culminating in winning the Virginia State Little League Championship. Chairman Connolly seconded the motion and it carried by a vote of eight, Supervisor Frey being out of the room, Supervisor McConnell not yet having arrived.

5. **RESOLUTION TO COMMEND THE CHANTILLY PYRAMID MINORITY STUDENT ACHIEVEMENT COMMITTEE** (9:23 a.m.)

Supervisor Hudgins moved approval of the Resolution commending the Chantilly Pyramid Minority Student Achievement Committee for 20 years of service to the Fairfax County Public School system. Supervisor Frey seconded the motion and it carried by a vote of nine, Supervisor McConnell not yet having arrived.

6. **PROCLAMATION DESIGNATING NOVEMBER 15-19, 2004, AS "SUBSTANCE ABUSE AWARENESS WEEK" IN FAIRFAX COUNTY** (9:32 a.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Proclamation presented to the Fairfax-Falls Church Community Services Board to designate November 15-19, 2004, as "*Substance Abuse Awareness Week*" in Fairfax County. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor McConnell not yet having arrived.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

7. **RESOLUTION TO COMMEND THE SPRINGFIELD UNITED METHODIST CHURCH** (9:43 a.m.)

Supervisor Kauffman moved approval of the Resolution commending Springfield United Methodist Church on its fiftieth anniversary. Chairman Connolly seconded the motion and it carried by a vote of eight, Supervisor Hyland being out of the room, Supervisor McConnell not yet having arrived.

8. **CERTIFICATE OF RECOGNITION PRESENTED TO MS. DEBORAH TYLER** (9:49 a.m.)

Supervisor Smyth moved approval of the Certificate of Recognition presented to Ms. Deborah Tyler for her service to Fairfax County Public Schools and Pine Spring Elementary School and for being honored with the Milken Foundation National Educator Award. Chairman Connolly seconded the motion and it carried

by a vote of six, Supervisor Hudgins, Supervisor Hyland and Supervisor Kauffman being out of the room, Supervisor McConnell not yet having arrived.

9. **CERTIFICATE OF RECOGNITION PRESENTED TO MS. PAMELA DANNER** (9:52 a.m.)

(BACs) Supervisor DuBois moved approval of the Certificate of Recognition presented to Ms. Pamela Danner for her service from 1992 until 2004 as the Dranesville District representative to Fairfax Water. Supervisor Bulova seconded the motion and it carried by a vote of seven, Supervisor Hudgins and Supervisor Kauffman being out of the room, Supervisor McConnell not yet having arrived.

10. **RESOLUTION TO COMMEND MR. JACK WILBERN** (9:58 a.m.)

Supervisor DuBois moved approval of the Resolution commending Mr. Jack Wilbern for his years of service to McLean and Fairfax County as an integral part of the visioning process for the revitalization of the McLean Community Business Center. Supervisor Gross seconded the motion and it carried by a vote of nine, Supervisor McConnell not yet having arrived.

11. **RESOLUTION OF RECOGNITION PRESENTED TO MR. ANDREW J. SZAKOS** (10:06 a.m.)

Supervisor Frey moved approval of the Resolution of Recognition presented to Mr. Andrew J. Szakos, Chief, Transit Operations Division, Department of Transportation, for his years of service in public transportation to the County upon his retirement. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor McConnell not yet having arrived.

ADDITIONAL BOARD MATTER

12. **WELCOME TO RICK STEVENS OF WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY (WMATA)** (10:19 a.m.)

Supervisor Kauffman recognized the presence of Rick Stevens, Director of Business Planning and Development, WMATA, and welcomed him to the Board Auditorium.

AGENDA ITEMS

13. **RESOLUTION OF RECOGNITION PRESENTED TO MR. JAMES GORBY** (10:19 a.m.)

Supervisor Kauffman moved approval of the Resolution of Recognition presented to Mr. James Gorby for being selected by the American Public Works Association as the Professional Manager of the Year in Public Fleet for 2004 and for his

accomplishments as Director of Vehicle Services. This motion was multiply seconded and it carried by a vote of nine, Supervisor McConnell not yet having arrived.

14. **PROCLAMATION DESIGNATING NOVEMBER 15, 2004, AS “AMERICA RECYCLES DAY” IN FAIRFAX COUNTY** (10:27 a.m.)

Supervisor Gross moved approval of the Proclamation to designate November 15, 2004, as “*America Recycles Day*” in Fairfax County. Supervisor Hyland seconded the motion.

Supervisor DuBois also welcomed Herndon High School's Students Against Global Abuse and they gave a brief presentation on the program.

The question was called on the motion and it carried by a vote of eight, Supervisor Frey being out of the room, Supervisor McConnell not yet having arrived.

15. **PROCLAMATION DESIGNATING DECEMBER 1, 2004, AS “AIDS AWARENESS DAY” IN FAIRFAX COUNTY** (10:40 a.m.)

Supervisor Hudgins moved approval of the Proclamation to designate December 1, 2004, as “*Aids Awareness Day*” in Fairfax County. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor McConnell not yet having arrived.

16. **10 A.M. – PRESENTATION OF THE ENVIRONMENTAL EXCELLENCE AWARDS** (10:45 a.m.)

Stella Koch, Chairman of the Environmental Quality Advisory Council, presented the Environmental Excellence Awards to the following:

- Individual: Ned Foster, Friends of Little Rocky Run
- Organization: Reston Association

17. **10:15 A.M. – PRESENTATION OF THE ENVIRONMENTAL QUALITY ADVISORY COUNCIL (EQAC) ANNUAL REPORT** (10:57 a.m.)

(BACs) Stella Koch, Chairman of EQAC, presented its annual report, and a brief discussion ensued.

18. **10:30 A.M. – PRESENTATION OF THE BARBARA VARON AWARD**
(11:11 a.m.)

William Spencer, Director, Office of Equity Programs, presented the inaugural Barbara Varon Award. The award was established to recognize a Fairfax County resident's dedication to improving the community through volunteer service and to honor the memory of Barbara Varon, former chairman of the Fairfax County Electoral Board. The award's selection criteria states that nominees must reside in Fairfax County; demonstrate an appreciation for the diversity of the community's population; exhibit patriotism; show evidence of having a positive effect on the community; and be known for encouraging others to do the same.

Chairman Connolly presented the inaugural Barbara Varon Award to Mr. Toa Do. He has served on numerous boards and commissions to empower new American communities and minorities in the County.

19. **10:45 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS** (11:28 a.m.)

(APPTS)
(BACs)

ADVISORY SOCIAL SERVICES BOARD

The Board deferred the appointments of the Lee and Sully District Representatives to the Advisory Social Services Board.

AIRPORTS ADVISORY COMMITTEE

The Board deferred the appointment of the Hunter Mill District Representative to the Airports Advisory Committee.

ALCOHOL SAFETY ACTION PROGRAM LOCAL POLICY BOARD

CONFIRMATIONS:

Supervisor Hyland moved the confirmation of the following appointments to the Alcohol Safety Action Program Local Policy Board:

- Colonel David M. Rohrer as the Chief of Police Representative
- Mr. Kenneth Garnes as the Fairfax Office of the County Executive Representative

Supervisor Bulova seconded the motion, which carried by unanimous vote.

ANIMAL SERVICES ADVISORY COMMISSION

The Board deferred the appointment of the Braddock District Representative to the Animal Services Advisory Commission.

BOARD OF BUILDING CODE APPEALS

The Board deferred the appointment of the Design Professional Representative #5 to the Board of Building Code Appeals.

BOARD OF EQUALIZATION OF REAL ESTATE ASSESSMENTS

The Board deferred the appointments of the Appraiser #1 and Appraiser #3 Representatives to the Board of Equalization of Real Estate Assessments.

CHILD CARE ADVISORY COUNCIL

The Board deferred the appointment of the Mason District Representative to the Child Care Advisory Council.

COMMISSION ON AGING

Supervisor Smyth moved the appointment of Ms. Lilyan Spero to fill the unexpired term of Ms. Bridget Jennison as the Providence District Representative to the Commission on Aging. Supervisor Gross and Supervisor Hyland jointly seconded the motion, which carried by unanimous vote.

COMMISSION ON ORGAN AND TISSUE DONATION AND TRANSPLANTATION

The Board deferred the appointments of the Dranesville and Sully District Representatives to the Commission on Organ and Tissue Donation and Transplantation.

COMMUNITY ACTION ADVISORY BOARD

The Board deferred the appointment of the Dranesville District Representative to the Community Action Advisory Board.

COMMUNITY CRIMINAL JUSTICE BOARD

The Board deferred the appointment of the Fairfax County At-Large #2 Representative to the Community Criminal Justice Board.

COUNTYWIDE NON-MOTORIZED TRANSPORTATION (TRAILS) COMMITTEE

Chairman Connolly moved the appointment of Mr. Harry Glasgow to fill the unexpired term of Ms. Catherine Bennett as the At-Large Chairman's Representative to the Countywide Non-Motorized Transportation (Trails) Committee. Supervisor Kauffman seconded the motion, which carried by unanimous vote.

The Board deferred the appointments of the Mason and Sully District Representatives to the Countywide Non-Motorized Transportation (Trails) Committee.

ENVIRONMENTAL QUALITY ADVISORY COUNCIL

Chairman Connolly moved the reappointment of Ms. Sheila Roit as the At-Large #2 Representative to the Environmental Quality Advisory Council. Supervisor Gross seconded the motion, which carried by unanimous vote.

Supervisor Bulova moved the reappointment of Mr. Lyle "Chet" McLaren as the Braddock District Representative to the Environmental Quality Advisory Council. Chairman Connolly seconded the motion, which carried by unanimous vote.

Supervisor Kauffman moved the reappointment of Ms. Johna Gagnon as the Lee District Representative to the Environmental Quality Advisory Council. Supervisor Hyland seconded the motion, which carried by unanimous vote.

FAIRFAX AREA DISABILITY SERVICES BOARD

Chairman Connolly moved the reappointment of Mr. Thomas Choman as the At-Large Fairfax County Representative to the Fairfax Area Disability Services Board. Supervisor Hyland seconded the motion, which carried by unanimous vote.

Supervisor Hyland moved the reappointment of Mr. David Norcross as the Mount Vernon District Representative to the Fairfax Area Disability Services Board. Supervisor Kauffman seconded the motion, which carried by unanimous vote.

The Board deferred the appointments of the At-Large Business Community #1 and Providence District Representatives to the Fairfax Area Disability Services Board.

HEALTH SYSTEMS AGENCY BOARD

The Board deferred the appointment of the Provider #4 Representative to the Health Systems Agency Board.

HISTORY COMMISSION

The Board deferred the appointment of the Citizen #2 Representative to the History Commission.

HUMAN RIGHTS COMMISSION

Chairman Connolly moved the appointment of Ms. Virginia Ruiz to fill the unexpired term of Mr. James Tsai as the At-Large #9 Representative to the Human Rights Commission. Supervisor Bulova seconded the motion, which carried by unanimous vote.

Chairman Connolly moved the reappointment of Mr. Edward Lewis, Jr. as the At-Large #6 Representative to the Human Rights Commission. Supervisor Bulova seconded the motion, which carried by unanimous vote.

HUMAN SERVICES COUNCIL

Supervisor McConnell moved the reappointment of Mr. Robert Gaudian as the Springfield District #2 Representative to the Human Services Council. Supervisor Hyland seconded the motion, which carried by unanimous vote.

INDUSTRIAL DEVELOPMENT AUTHORITY

The Board deferred the appointment of the At-Large #7 Representative to the Industrial Development Authority.

JUVENILE AND DOMESTIC RELATIONS COURT CITIZENS ADVISORY COUNCIL

The Board deferred the appointment of the Lee District Representative to the Juvenile and Domestic Relations Court Citizens Advisory Council.

OVERSIGHT COMMITTEE ON DRINKING AND DRIVING

The Board deferred the appointments of the Braddock, Lee, and Mason District Representatives to the Oversight Committee on Drinking and Driving.

ROAD VIEWERS BOARD

The Board deferred the appointments of the At-Large #1 and At-Large #4 Representatives to the Road Viewers Board.

ROUTE 28 HIGHWAY TRANSPORTATION DISTRICT ADVISORY BOARD

Supervisor Hudgins moved the appointment of Mr. Jeffrey Fairfield to fill the unexpired term of Mr. James Deuel as the Resident/Owner #3 Representative to the Route 28 Highway Transportation District Advisory Board. Chairman Connolly seconded the motion, which carried by unanimous vote.

TENANT LANDLORD COMMISSION

The Board deferred the appointment of the Landlord Member #3 Representative to the Tenant Landlord Commission.

AD HOC COMMITTEES**STORMWATER ADVISORY COMMITTEE**

The Board deferred the appointments of the Small/Medium Commercial/Office Property Representative and the Non-Profit Coalition Representative to the Stormwater Advisory Committee.

VIRGINIA 2007 COMMUNITY CITIZEN PLANNING COMMITTEE**CONFIRMATION:**

Supervisor Kauffman moved the confirmation of the following appointment to the Virginia 2007 Community Citizen Planning Committee:

- Mr. Gustav Person as the Fort Belvoir Representative

Supervisor Hyland seconded the motion, which carried by unanimous vote.

DS:ds

20. **ADMINISTRATIVE ITEMS** (11:33 a.m.)

Supervisor Gross moved approval of the Administrative Items, with the exception of Admin 5. Supervisor Hyland seconded the motion and it carried by unanimous vote, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE."

ADMIN 1 – ADDITION OF SEGMENTS OF ROBERTS PARKWAY AND PREMIER COURT; DISCONTINUANCE OF SEGMENTS OF GUINEA ROAD AND PREMIER COURT FOR THE SECONDARY SYSTEM OF STATE HIGHWAYS (BRADDOCK DISTRICT)

(R) Adopted the Resolution requesting changes to segments of the following roadways:

- Roberts Parkway (Route 6197) and Premier Court (Route 651) be added to the Secondary System of State Highways.
- Guinea Road and Premier Court be discontinued from the Secondary System of State Highways.

ADMIN 2 – ADDITION OF SEGMENTS OF BURKE CENTRE PARKWAY TO THE SECONDARY SYSTEM OF STATE HIGHWAYS (BRADDOCK DISTRICT)

(R) Adopted the Resolution requesting that new segments of Burke Centre Parkway (Route 643) be added to the Secondary System of State Highways.

ADMIN 3 – ADDITION OF SEGMENTS OF FAIRFAX COUNTY PARKWAY AND ADJOINING FRONTAGE ROADWAYS, ROLLING ROAD, HOOES ROAD, POHICK ROAD, DONEGAL LANE, AND BAKERS COURT; DISCONTINUANCE OF SEGMENTS OF ROLLING ROAD, HOOES ROAD, POHICK ROAD, SILVER PINE DRIVE, SHADY PALM DRIVE, ADRIENNE GLEN AVENUE, AND LINDEN TREE COURT FOR THE SECONDARY SYSTEM OF STATE HIGHWAYS

(R) Adopted the Resolution requesting changes to segments of the following roadways:

- The Fairfax County Parkway (Route 7100) with adjoining frontage roadways, Rolling Road (Route 638) Hooes Road (Route 636), Pohick Road (Route 641), Bakers Court, and Donegal Lane be added to the Secondary System of State Highways.
- Rolling Road, Hooes Road, Pohick Road, Donegal Lane, Silver Pine Drive, Shady Palm Drive, Adrienne Glen Avenue, and Linden Tree Court be discontinued from the Secondary System of State Highways.

ADMIN 4 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A PROPOSAL TO PROHIBIT THROUGH TRUCK TRAFFIC ON HOLLY KNOLL DRIVE (DRANESVILLE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **December 6, 2004, at 4:30 p.m.** to consider endorsing Holly Knoll Drive to be included in the Residential Traffic Administration Program for a through truck traffic restriction.

ADMIN 5 – INSTALLATION OF "\$200 ADDITIONAL FINE FOR SPEEDING" SIGNS ON FALCON RIDGE ROAD AS PART OF THE FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION'S RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (R-TAP) (DRANESVILLE DISTRICT)

This item was deferred until December 6, 2004.

ADMIN 6 – INSTALLATION OF MULTI-WAY STOPS AT SOUTH PARK CIRCLE AND POND POINT DRIVE, SOUTH PARK CIRCLE AND ROLLING VIEW DRIVE, SOUTH VALLEY DRIVE AND SHADY COVE DRIVE, AND MOUNTAIN ASH DRIVE AND WHITE WILLOW COURT (SPRINGFIELD DISTRICT)

- Endorsed the installation of multi-way stops as part of the Department of Transportation's Residential Traffic Administration Program at the following locations in the Springfield District:
 - South Park Circle and Pond Point Drive
 - South Park Circle and Rolling View Drive
 - South Valley Drive and Shady Cove Drive
 - Mountain Ash Drive and White Willow Court
- Directed staff to request the Virginia Department of Transportation install the necessary signs at the earliest possible date.

ADMIN 7 – EXTENSION OF REVIEW PERIODS FOR 2232 PUBLIC FACILITY REVIEW APPLICATIONS (DRANESVILLE AND SPRINGFIELD DISTRICTS)

Approved the extension of review periods for the following Public Facility (2322) Review Applications:

- 2232-D04-13 to May 23, 2005

- FS-S04-65 to January 31, 2005

ADMIN 8 – AUTHORIZATION FOR THE FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY (FCRHA) TO APPLY FOR A DEFERRED PAYMENT LOAN OR A GRANT UP TO \$500,000 FROM THE VIRGINIA COMMONWEALTH PRIORITY HOUSING FUND FOR LITTLE RIVER GLEN II (BRADDOCK DISTRICT)

Authorized FCRHA to submit an application to the Commonwealth Priority Housing Fund for a deferred payment loan or a grant in an amount up to \$500,000 for Little River Glen II.

ADMIN 9 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A PROPOSAL TO VACATE AND ABANDON SEGMENTS OF OLD MILL ROAD (SULLY DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **January 10, 2005, at 4 p.m.** to consider the vacation and abandonment of segments of Old Mill Road.

ADMIN 10 – APPROVAL FOR THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (HCD) TO APPLY FOR AN ALLOCATION OF UP TO \$750,000 IN HOME STRIDE (FORMERLY HOME STRETCH) FUNDS FROM THE VIRGINIA HOUSING DEVELOPMENT AUTHORITY (VHDA)

Authorized HCD, on behalf of the Fairfax County Redevelopment and Housing Authority, to apply for an allocation of up to \$750,000 in Home Stride funds from VHDA.

ADMIN 11 – APPROVAL FOR THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT TO APPLY FOR AN ALLOCATION OF UP TO \$8 MILLION IN SPONSORING PARTNERSHIPS AND REVITALIZING COMMUNITIES (SPARC) MORTGAGE FUNDS FROM THE VIRGINIA HOUSING DEVELOPMENT AUTHORITY (VHDA)

Authorized HCD, on behalf of the Fairfax County Redevelopment and Housing Authority, to apply for an allocation of up to \$8 Million in SPARC mortgage funds from VHDA.

**ADMIN 12 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION
FOR SPECIAL EXCEPTION APPLICATION SE 01-Y-051, HUMANE
SOCIETY OF FAIRFAX COUNTY (SULLY DISTRICT)**

- (AT) Approved 12 months of additional time to commence construction for Special Exception Application SE 01-Y-051 to October 29, 2005, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

**ADMIN 13 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION
FOR SPECIAL EXCEPTION APPLICATION SE 2002-DR-012, BETTY M.
MEADOWS (DRANESVILLE DISTRICT)**

- (AT) Approved six months of additional time to commence construction for Special Exception Application SE 2002-DR-012 to March 24, 2005, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

**ADMIN 14 – STREETS INTO THE SECONDARY SYSTEM
(DRANESVILLE, HUNTER MILL, LEE, AND PROVIDENCE
DISTRICTS)**

- (R) Approved the request that the streets listed below be accepted into the State Secondary System:

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Dulles Greens	Dranesville	Innovation Avenue Route 847 Rock Hill Road Route 605 Additional ROW Only
Coppermill Phase 2	Hunter Mill	Fox Mill Road Route 665 Additional ROW Only
Piney Run Meadow Section II		Leesburg Pike Route 7 Additional ROW Only Meadowbrook Court Route 10466 Tommye Lane Route 10467
Property of Eugene T. And Camille S. Klein		Beulah Road Route 675 Additional ROW Only

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Symphony Meadows Section II		Beulah Road Route 675 Additional ROW Only Noory Court Route 8891 Symphony Meadow Lane Route 10271 White Pine Drive Route 8890
Symphony Meadows Section III		Beulah Road Route 675 Additional ROW Only White Pine Drive Route 8890
Wellessley at Presidents Park Parcel B		Coppermine Road Route 665 Additional ROW Only
Greenspring Village Phase 1A	Lee	Hampton Creek Way Route 1220 Spring Village Drive Route 7060
Townes at Manchester Park Section 1		Manchester Park Court Route 8881
Lord Fairfax Manors	Providence	Elm Grove Court Route 8876 Elm Shade Court Route 8876 Lord Fairfax Road Route 837 Additional ROW Only Spring Leaf Court Route 8877
Nutley/Lee Highway Property		Beau Lane Route 2026 Briarwood Farms Court Route 8898

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Sierra Suites 1800 LLC		Lee Highway Route 29 Additional ROW Only
		Howard Avenue Route 786 Additional ROW Only
		Old Courthouse Road Route 677 Additional ROW Only

ADMIN 15 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER THE ADOPTION OF AN ORDINANCE TO EXTEND THE CABLE TELEVISION FRANCHISE HELD BY COMCAST OF VIRGINIA, INCORPORATED, UNTIL NO LATER THAN APRIL 30, 2005 (RESTON FRANCHISE AREA)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **December 6, 2004, at 5 p.m.** to consider the adoption of an ordinance to extend the Comcast cable franchise agreement until no later than April 30, 2005.

ADMIN 16 – AUTHORIZATION TO ACCEPT A COMMITMENT OF \$565,000 FROM THE VIRGINIA HOUSING DEVELOPMENT AUTHORITY (VHDA) FOR PERMANENT FINANCING FOR SIX AFFORDABLE DWELLING UNITS AT FAIRCREST NORTH (SULLY DISTRICT)

Approved acceptance and execution by the Fairfax County Redevelopment and Housing Authority of all documents necessary for the permanent financing from VHDA.

ADMIN 17 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER AN ORDINANCE THAT PROPOSES TO CHANGE THE POLLING PLACE FOR COLVIN PRECINCT (DRANESVILLE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **December 6, 2004, at 5 p.m.** to consider an ordinance that proposes to change the polling place for Colvin Precinct from the Light Global Mission whose address was 10237 Leesburg Pike, Vienna, to the Capital Church whose address will become 10233 Leesburg Pike, Vienna.

21. **A-1 – APPROVAL OF ACCEPTANCE OF AN UNSOLICITED PROPOSAL FOR THE CONSTRUCTION AND MANAGEMENT OF AN ASSISTED LIVING FACILITY AND ADULT DAY HEALTH CARE CENTER ON THE LITTLE RIVER GLEN SENIOR CAMPUS AND THE USE OF LEASE REVENUE BOND FINANCING FOR THE ADULT DAY HEALTH CARE CENTER (BRADDOCK DISTRICT)** (11:34 a.m.)

On motion of Supervisor Bulova, seconded by Supervisor Hyland, and carried by unanimous vote, the Board concurred in the recommendation of staff and:

- Approved the acceptance of the unsolicited proposal for the construction and management of an assisted living facility and an adult day health care center at Little River Glen II.
- Authorized the execution of a Comprehensive Agreement with Olley Lane Assisted Living, LLC.
- Approved the use of lease revenue bond financing for the adult day health care center.

22. **A-2 – APPROVAL TO REALLOCATE AND AUTHORIZE DISBURSEMENT OF UP TO \$575,000 IN TIER THREE AFFORDABLE HOUSING PARTNERSHIP FUNDS FROM THE AFFORDABLE HOUSING PARTNERSHIP PROGRAM (AHPP) FOR ADULT ASSISTED LIVING AT BIRMINGHAM GREEN** (11:34 a.m.)

On motion of Supervisor Hudgins, seconded by Supervisor DuBois, and carried by unanimous vote the Board concurred in the recommendation of staff and approved the reallocation of up to \$575,000 from the AHPP Funds within Fund 144, Housing Trust Fund, or Home Investment Partnerships Program funds, which have been allocated to the AHPP, for the construction of 77 units in an assisted living facility.

23. **A-3 – APPROVAL OF REVISIONS TO THE COMMUNITY USE OF PUBLIC GYMNASIUMS POLICY** (11:35 a.m.)

(BACs)
(P)

Supervisor Kauffman moved that the Board concur in the recommendation of staff and approve the revisions to the Policy on Community Use of Public Gymnasiums. Supervisor Gross seconded the motion.

Discussion ensued with input from Patricia D. Franckewitz, Director, Department of Community and Recreation Services (CRS), regarding the adequate number of chaperones required at the facilities.

Supervisor Gross asked unanimous consent that the Board direct the Athletic Council and CRS to monitor the chaperone issue closely. Without objection, it was so ordered.

Following further discussion regarding a uniformed school policy, Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct the County Executive to review this matter with Jack D. Dale, Superintendent of Schools, and report his findings.

Discussion ensued with input from Anthony H. Griffin, County Executive, regarding the need for a uniformed school policy and an appeal process.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

Supervisor DuBois asked unanimous consent that the Board direct staff to add this issue to the agenda for the upcoming meeting with the School Board. Without objection, it was so ordered.

Discussion ensued regarding the need for children who live in a community, but are not involved in an organized group, to be able to use the school facilities also.

Further discussion ensued, with input from Ms. Franckewitz, regarding the impact of the revised Policy and the lack of a standard policy for all schools.

Following further discussion, with input from Steve McLaughlin, Chairman, Athletic Council, regarding the gymnasium allocation policy, the question was called on the motion and it **CARRIED** by a recorded vote of nine, Supervisor Frey voting "NAY."

24.

A-4 – APPROVAL OF A CONTRACT ADDENDUM WITH NORTHERN VIRGINIA ELECTRIC COOPERATIVE (NOVEC) FOR THE PURCHASE OF ELECTRIC SERVICE – STREET LIGHTS (11:56 a.m.)

Supervisor Frey moved that the Board concur in the recommendation of staff and authorized the County Executive to execute a contract addendum with NOVEC. Supervisor Hyland seconded the motion.

Following discussion regarding street lights, Chairman Connolly said that at night when one leaves the Government Center and travels on Forum Drive headed towards Route 29 it is very dark. Therefore, he relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to review this issue. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

The question was called on the motion and it carried by unanimous vote.

25. **I-1 – CONTRACT AWARD – GALLOWS ROAD/ANNANDALE ROAD/HUMMER ROAD, SPOT IMPROVEMENT (MASON AND PROVIDENCE DISTRICT)** (11:57 a.m.)

The Board next considered an item contained in the Board Agenda dated November 15, 2004, requesting authorization for staff to award a contract to Cube Construction Corporation in the amount of \$1,115,933.60 for the construction associated with Project 006616, Gallows Road/Annandale Road/Hummer Road, Spot Improvement.

The staff was directed administratively to proceed as proposed.

26. **I-2 – CONTRACT AWARD – LEESBURG PIKE – PIMMIT DRIVE TO IDYLWOOD ROAD (PROVIDENCE AND DRANESVILLE DISTRICTS)** (11:57 a.m.)

The Board next considered an item contained in the Board Agenda dated November 15, 2004, requesting authorization for staff to award a contract to Omni Excavators, Incorporated, in the amount of \$757,411.01 for the construction associated with Project 064231, Leesburg Pike – Pimmit Drive to Idylwood Road, in Fund 304, Primary and Secondary Road Bond Construction.

Discussion ensued with input from Larry Ichter, Chief, Planning and Design Division, Department of Public Works and Environmental Services (DPWES), and Jimmy D. Jenkins, Director, DPWES, regarding the project funding total.

Following further discussion, with input from Frank M. Roberts, Engineer II, Planning and Design Division, DPWES, regarding pedestrian access enhancements, the staff was directed administratively to proceed as proposed.

27. **I-3 – CONTRACT AWARD – LONG TERM DISABILITY INSURANCE** (12:05 p.m.)

The Board next considered an item contained in the Board Agenda dated November 15, 2004, requesting authorization for staff to award a contract to CIGNA Group Insurance for Long Term Disability Insurance for all County employees who are currently enrolled in the long-term disability plan, or who enroll within 60 days of benefit eligibility, or who apply outside their initial benefit eligibility period and are approved by underwriting for coverage.

The staff was directed administratively to proceed as proposed.

ADDITIONAL BOARD MATTERS

NV:nv

28. FAIRFAX COUNTY HISTORY COMMISSION SPEAKERS BUREAU
(12:05 p.m.)

(BACs) Chairman Connolly said that in January the Board requested that the History Commission compile a list of knowledgeable speakers for many issues related to Fairfax County history. This reference was recently completed, and he presented Board Members with copies.

29. RETIREMENT OF MS. ANN ZUVEKAS (12:06 p.m.)

(BACs) Chairman Connolly said that for many years Ms. Ann Zuvekas was a dedicated member of both the Consolidated Community Funding Advisory Committee (CCFAC) and the Fairfax Area Disability Services Board (DSB). Her contributions to both of these organizations have been immeasurable. He said that Ms. Zuvekas will be retiring from service to both the CCFAC and the DSB at the end of her term.

Therefore, Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to invite Ms. Zuvekas to be presented with a resolution recognizing her outstanding work and contributions to the citizens of the County at the December 6, 2004, Board meeting. Without objection, it was so ordered.

There was a brief query to Merni Fitzgerald, Director, Office of Public Affairs, regarding the December 6, 2004, schedule.

30. IMPLICATIONS OF FAIRFAX COUNTY PUBLIC SCHOOLS ADMINISTRATIVE OFFICES CONSOLIDATION (12:07 p.m.)

Chairman Connolly said there have been news reports regarding the Fairfax County Public School's plan to consolidate its administrative offices in a new complex on Gatehouse Road in Merrifield. This morning's *Washington Post* story as well as the *Northern Virginia Journal*, notes that the Schools calculate that the move would save about \$5 million over the next 30 years. Copies of the Schools' press release "Fairfax County School Board to Vote on Consolidation of Offices" dated November 11, 2004, were distributed to the Board.

Noting that the Board needs more information on this issue, Chairman Connolly moved that the Board direct the County Executive to confer with the Department of Management and Budget and report with a comprehensive analysis that

includes the following:

- Whether the numbers being reported are accurate.
- The effect of such a consolidation against the County debt since the Schools plan to incur \$160 million worth of debt for two office buildings.
- Any budget implication for the financing and funding of the debt service.
- Since many of the administrative offices “leased” by the Schools now are also owned by the schools, how such a consolidation would yield savings.

Supervisor McConnell seconded the motion.

Following discussion, Supervisor Kauffman asked to amend the motion to include an analysis of the plan for the disposition of the current administrative buildings, and this was accepted.

Further discussion ensued, with input from Anthony H. Griffin, County Executive, who noted that the School Division expects action by the Board of Supervisors on this issue on December 6.

Following continued discussion, the question was called on the motion, as amended, which carried by unanimous vote.

31. **FLU VACCINATIONS** (12:17 p.m.)

Chairman Connolly distributed to the Board information relating to the County’s distribution of flu vaccine. He asked unanimous consent that the Board direct the Office of Public Affairs and Channel 16 to widely disseminate the information. The Health Department received a supply of flu vaccine and will begin to distribute it. The process requires telephone appointments (703-246-2411) because of the volume of demand.

Chairman Connolly asked unanimous consent that the Board direct staff to keep the Board informed as to any changes with respect to flu vaccine. Without objection, it was so ordered.

Supervisor Kauffman asked unanimous consent that the Board direct staff to examine what worked well for Montgomery County, Maryland and the challenges faced in Prince Georges County, Maryland regarding flu vaccine distribution. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

32. **REMOVAL OF THE FAIRLEE NUMBER 10 RESIDENTIAL PERMIT PARKING DISTRICT (RPPD) (PROVIDENCE DISTRICT)** (12:19 p.m.)

Supervisor Smyth stated that it is necessary to formally remove the Fairlee Number 10 RPPD. With the consolidation of the Fairlee neighborhood and the lack of homeowners in the area, there is no need for the RPPD in the former Fairlee neighborhood.

Accordingly, Supervisor Smyth asked unanimous consent that the Board direct staff to proceed with the removal of this RPPD. Without objection, it was so ordered.

(NOTE: Later in the meeting, the Board deferred decision on Out-of-Turn Plan Amendment S02-II-V2 for the Fairlee area. See Clerk's Summary Item CL#62.)

33. **RECLASSIFICATION OF STREAMS IN THE COUNTY** (12:19 p.m.)

(BACs) Supervisor Smyth asserted that the process of reclassifying streams in the County, from perennial or intermittent, is in need of a change. She stated that a number of her constituents asked her to propose a change to the Public Facilities Manual (PFM) to allow more transparency in the designation process. She distributed copies of suggested language modifications to the PFM (6-1704.4a).

Supervisor Smyth stated her belief that modifying the review process to include a Board review or a review by the Chesapeake Bay Preservation Ordinance Exception Review Committee (CBPOERC) would allow for public or staff input that might otherwise be lost in the current administrative-only review.

Accordingly, Supervisor Smyth moved that the Board direct the Director of the Department of Public Works and Environmental Services to:

- Review this request and begin the necessary process to change the PFM as it relates to the designation of streams as perennial or intermittent in the County.
- Notify the Board by December 6 of his recommendation on whether the review body should be the Board or the CBPOERC.

Supervisor Gross seconded the motion.

Following discussion, Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked to amend the motion to direct the County Attorney to review this issue in regard to the Board's legislative action in adopting the perennial stream map, and this was accepted.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

Further discussion ensued regarding the transition of intermittent to perennial streams, the need to involve the surrounding communities, and the need for staff to review all available options to address concerns.

Supervisor Gross asked unanimous consent that the Board direct staff to add this item to the agenda of the Board's Environmental Committee scheduled for December 6. Without objection, it was so ordered.

Following further discussion, the question was called on the motion, which carried by unanimous vote.

34. **VOLUNTEERFEST (PROVIDENCE DISTRICT)** (12:27 p.m.)

With reference to her written Board Matter on the subject, Supervisor Smyth reported that Volunteerfest was very successful in Providence District and she provided an overview. She expressed appreciation to everyone involved with the event.

35. **EXPEDITED PROCESSING AND FEE WAIVER FOR WESTMINSTER SCHOOL (MASON DISTRICT)** (12:28 p.m.)

Supervisor Gross stated that on January 22, 2001, the Board approved Special Exception Amendment Application SEA 84-M-121 for a building addition to the Westminster School in Mason District. During the review and approval of that application, it was not properly noted that a caretaker for the school resided in a dwelling on the school property. Although the dwelling unit was discussed in the review process, staff and counsel representing the applicant made an oversight in noting the use of the dwelling correctly on the plans and/or development conditions for the application. To correct this issue, the school will need to submit a new special exception amendment application.

Supervisor Gross said that the school was not responsible for this inadvertent oversight. It is a non-profit organization with limited means and expended a large sum of funds on the previous application.

Accordingly, Supervisor Gross moved that the Board direct staff to:

- Waive the filing fees for the additional special exception amendment application.
- Expedite the processing of this application.

Supervisor Gross noted that the applicant understands that this motion will not prejudice the consideration of this application in any way. Supervisor Kauffman seconded the motion.

Following input from David P. Bobzien, County Attorney, who noted that this action is permissible, the question was called on the motion, which carried by a vote of seven, Supervisor Hudgins, Supervisor Smyth, and Chairman Connolly being out of the room.

36. **FEE WAIVER FOR THE RECONSTRUCTION OF THE NEWTON EDWARDS AMPHITHEATRE AT MASON DISTRICT PARK** (12:29 p.m.)

Supervisor Gross said that at the last Board meeting, she announced that the Newton Edwards Amphitheatre in Mason District Park had burned to the ground. She now reported that its rebuilding is on track, and she expressed appreciation to the Board, County Executive, Park Authority, and staff for their support in expediting the project.

Supervisor Gross said that the Park Authority estimates that the plan review fee waivers for the amphitheatre, including such items as site review, building permits, and fire marshal inspection will total \$10,000. Accordingly, she moved that the Board waive the fees for the reconstruction of the Newton Edwards Amphitheatre at Mason District Park. Supervisor Bulova seconded the motion, which carried by a vote of seven, Supervisor Hudgins, Supervisor Smyth, and Chairman Connolly being out of the room.

37. **PROCLAMATION COMMEMORATING THE LIFE AND SERVICE OF THE LATE MS. SHARIFA EL KHATEEB** (12:30 p.m.)

(NOTE: Earlier in the meeting, the Board announced the death of Ms. Sharifa El Khateeb. See Clerk's Summary Item CL#1.)

Supervisor Gross noted that the Board lost an outstanding advocate for civil rights and multicultural understanding when Ms. Sharifa El Khateeb died in October of pancreatic cancer. She was a long time resident of the County and was an active advocate for cross-cultural and inter-cultural training in the public schools as well as on County boards, authorities, and commissions. Her outreach to both the Muslim and non-Muslim community included workshops, television shows, panel discussions, and in-service training. She also took a leadership role in getting Arabic as a Second Language accepted as a regular credit language in three County high schools.

Supervisor Gross noted that Ms. Khateeb's contributions to the County are numerous, and her advice and counsel will be missed. Therefore, Supervisor Gross asked unanimous consent that the Board direct staff to prepare a proclamation commemorating her life and service for presentation to her family at

an appropriate Board meeting or other community event. Without objection, it was so ordered.

38. **RECOGNITION OF THE GREAT FALLS FREEDOM MEMORIAL COMMITTEE (DRANESVILLE DISTRICT)** (12:31 p.m.)

Supervisor DuBois noted that on November 13 the citizens of Great Falls, the Freedom Memorial Committee, along with Chairman Connolly, County Executive Anthony H. Griffin, former Dranesville District Supervisor Stuart Mendelsohn, and other distinguished guests joined her in dedicating the Freedom Memorial on the grounds of the Great Falls Community Library. She described the work of the residents and staff to honor those who served the cause of liberty and freedom with this memorial.

Accordingly, Supervisor DuBois moved that the Board direct staff to invite the members of the Great Falls Freedom Memorial Committee and County staff to appear before the Board on December 6 to be recognized and thanked for their dedicated service to the citizens of Great Falls and the County. Supervisor McConnell seconded the motion, which carried by a vote of nine, Supervisor Smyth being out of the room.

39. **RECOGNITION OF OUTSTANDING SCHOOL NEWSPAPERS** (12:33 p.m.)

Supervisor Bulova announced that the following four County high schools were selected as 2004 National Scholastic Press Association Newspaper Pacemakers Finalists, a national competition for school newspapers:

- Annandale High School
- Hayfield Secondary School
- McLean High School
- Thomas Jefferson High School for Science and Technology

Supervisor Bulova described the criteria for the selection and asked unanimous consent that the Board recognize these school newspapers for their outstanding work by directing staff to convey a letter of congratulations to the students and staff. Without objection, it was so ordered.

40. **LAKE BRADDOCK SECONDARY SCHOOL TEACHER SELECTED AS 2005 VIRGINIA TEACHER OF THE YEAR** (12:34 p.m.)

Supervisor Bulova announced that Mr. Joseph Hills, a world studies teacher at Lake Braddock Secondary School, was selected as the recipient of the 2005

“Virginia Teacher of the Year Award.” Mr. Hills adds this award to a long list of accolades from a 44-year teaching career in the County. He won outstanding teacher awards from the University of Chicago and Smith College, and he won the *Washington Post* Agnes Meyer Outstanding Teacher Award.

Accordingly, Supervisor Bulova asked unanimous consent that the Board direct staff to invite Mr. Hills to appear before the Board to be presented with a certificate to thank him and recognize his outstanding achievements during his marvelous career with the County Schools. Without objection, it was so ordered.

41. **HAPPY ANNIVERSARY TO FAITH COMMUNITIES IN ACTION**
(12:35 p.m.)

Supervisor Bulova stated that on June 7, 1995, the late Pastor Thomas Casey of St. Mary of Sorrows Catholic Church in Fairfax hosted the first meeting of the then called “Braddock District Religious/Human Services Coalition.” At that time the County was struggling to recover from a serious recession. She said that the following spring the Board would be laboring over what came to be known as the “Doomsday Budget of Fiscal Year (FY) 1997” as the Board tried to close a projected budget deficit of \$121.5 million. The County’s human services agencies were trying to figure out how to adjust the State and Federal Welfare Reform policies while at the same time undergoing a major human services redesign. Sue Manzo, former director of the County’s Office of Family Services, was a speaker at this first meeting. Lord of Life Lutheran Church Pastor Ron Qualley led break-out discussions on concerns of the community.

Supervisor Bulova noted that often a silver lining results from difficult times, and the “Religious/Human Services Coalition” eventually became an effective Countywide partnership between County agencies, places of worship, and faith-based organizations called “Faith Communities in Action.” In FY 2001 a small County office was created to provide formal support for this partnership, which helped the County and the faith community to leverage limited resources and meet the needs of the community in a collaborative fashion.

Supervisor Bulova said that Faith Communities in Action has been out front throughout the past ten years finding ways to address major community challenges such as Welfare to Work, affordable housing, end of life issues, and tolerance for people of all races and religions. Recently Faith Communities in Action passed a resolution endorsing the creation of a County Multicultural Commission, and it stands ready to assist the County Executive and Board in the formation of this commission.

Supervisor Bulova noted that next year will mark the tenth anniversary of Faith Communities in Action. Accordingly, she asked unanimous consent that the Board direct staff to invite founding members and current leaders of Faith

Communities in Action to appear before the Board on January 10, 2005, to be thanked for their valuable work and congratulated on their tenth anniversary.

Following brief input from Merni Fitzgerald, Director, Office of Public Affairs, regarding scheduling, without objection, the request was so ordered.

PMH:pmh

42. **INTENT TO DEFER PUBLIC HEARINGS** (12:38 p.m.)

Supervisor Kauffman announced his intent to defer the following public hearings:

- Special Exception Application SE 2004-SP-013
- Proffered Condition Amendment Application PCA-C-448-31

Supervisor Hyland announced his intent to defer the public hearing on S01-CW-9CP.

(NOTE: Later in the meeting these public hearings were formally deferred. See Clerk's Summary Items CL#63 and CL#79.)

43. **OUT-OF-TURN PLAN AMENDMENT REGARDING THE REDEVELOPMENT OF THE COMMUNITY BUSINESS CENTER (LEE DISTRICT)** (12:39 p.m.)

Supervisor Kauffman said that in 2002, the Board approved a Comprehensive Plan amendment for the Springfield Revitalization District intended to facilitate the redevelopment of the Community Business Center.

Supervisor Kauffman noted that recently he learned that there is interest in constructing a multi-story, extended stay hotel in a key part of the Springfield core area. Such a use in this location may provide impetus for other projects to follow, but requires a plan amendment because of density.

Therefore, Supervisor Kauffman moved that the Board authorize an Out-of Turn Plan Amendment for Tax Map Number 80-4 ((1))10, located north of Old Keene Mill Road, between Backlick Road and Amherst Avenue, to consider the area for hotel use which may include approximately 165 rooms with support uses, community meeting space, and limited food service, and at an intensity up to 2.0 floor area ratio. This motion shall in no way prejudice the review of this plan amendment. Supervisor Hudgins seconded the motion and it carried by a vote of nine, Supervisor Smyth being out of the room.

44. **EASTWOOD PROPERTIES, INCORPORATED (LEE DISTRICT)** (12:41 p.m.)

Supervisor Kauffman stated that the County's Property Management Department is in discussions with a prospective rezoning applicant in Lee District on a potential sale of the Board's property that would involve a rezoning. The small property is part of a potential assemblage generally located south of the Franconia-Springfield Parkway and west of Beulah Street. The motion involves this Board's authorization of the filing only of a rezoning application on a piece of property owned by the County. The property in question is referenced as Tax Map Number 91-1 ((1)) 20.

Therefore, Supervisor Kauffman moved that the Board authorize the filing of a rezoning application including Tax Map Number 91-1 ((1)) 20 as generally identified in the pending rezoning application filed in the name of Eastwood Properties, Incorporated. Approval of this motion shall in no way prejudice review of the case and in no way relieves the applicant from all ordinances and standards. Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor Smyth being out of the room.

45. **LEE DISTRICT ANNUAL MEETING** (12:42 p.m.)

Supervisor Kauffman expressed his appreciation to Chairman Connolly for attending the Lee District Annual meeting.

46. **CONDEMNATION FOR OLD CENTREVILLE ROAD (SULLY DISTRICT)** (12:43 p.m.)

Supervisor Frey said that last year, the Board approved Rezoning Application RZ 2002-SU-034 and Special Exception Application SE 2002-SU-039 to permit a Wendy's restaurant and a Midas Muffler shop on Old Centreville Road, between Routes 28 and 29. As part of that application, the applicant proffered to do off-site improvements to Old Centreville Road. During the review of the plans for those improvements, staff identified a potential safety hazard, the correction of which will require a small amount of roadwork beyond the scope of the plans and proffers. The applicant has agreed to complete the additional work provided that the right-of-way is provided by the property owner, Little Rocky Run Homeowners Association (HOA). The HOA has indicated that association bylaws would preclude them from a timely conveyance of the property; however, they will not oppose the condemnation.

Therefore, Supervisor Frey moved that the Board:

- Authorize condemnation proceedings for that portion of tax map parcel 54-4-((3))(16) Parcel U1 as determined necessary by staff for the completion of the improvements to Old Centreville Road.

- Direct staff, including but not limited to members of the County Attorney's Office and Department of Public Works and Environmental Services, to proceed with condemnation as expeditiously as possible.

Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Smyth being out of the room.

47. **SMALL TAX DISTRICT 5 (SULLY DISTRICT)** (12:45 p.m.)

Supervisor Frey said that back in the early 1970s, the County formulated plans to construct community centers around the County over an extended period of time, on a schedule to be determined by availability of funding. The Reston Community Center was constructed as part of this initiative, using taxes raised from Small District 5, the boundaries for which extend beyond the limits of Reston and include some residents of the Sully District.

Because the center is named and promoted as the "Reston Community Center," historically residents of Sully District have had difficulty gaining access at the reduced rate that is afforded to members of Small District 5. At one time, the wall behind the reception desk in the lobby had a large map of District 5 so staff members could readily verify whether the address on IDs presented to them was included. At some point, that map was removed, and the center began to rely on a computer-generated listing provided by the County. However, according to constituents, the listing doesn't seem to include non-Reston addresses in District 5. Furthermore, residents who live outside the Reston zip codes are apparently not receiving notices of annual polls, and have not been included in revenue expenditure issues.

Therefore, Supervisor Frey asked unanimous consent that the Board refer this matter to the appropriate staff to determine the best way to resolve these issues, with the goal being to ensure that the services and opportunity to participate in decision-making are made available to all Small District 5 residents. Without objection, it was so ordered.

A brief discussion ensued about the boundary for Small District 5 and the preference poll.

48. **CHEVY CHASE BANK – SPECIAL EXCEPTION APPLICATION
SE 2004-SU-021 (SULLY DISTRICT)** (12:48 p.m.)

Supervisor Frey said that Chevy Chase Bank is pursuing a special exception to construct a bank with drive-through facilities on Lee Jackson Memorial Highway, immediately west of Walney Road. The application has the support of staff and the Planning Commission. The applicants are anxious to obtain all necessary

approvals as expeditiously as possible, and have asked that the Board authorize concurrent processing for the site plan concurrent with the Special Exception application.

The applicants understand that this motion does not relieve them of any obligation, ordinance, or standards, and will not prejudice the consideration of the application in any way.

Therefore, Supervisor Frey moved that the Board authorize concurrent processing of Special Exception Application SE 2004-SU-021 with its associated site plan. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Smyth being out of the room.

49. **FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD (CSB)**
(12:49 p.m.)

(BACs) Supervisor Hudgins said that she had received a letter with a series of recommendations from the CSB as follows:

- Facilitate planning and coordination between County agencies for a careful review of all available land assets that might be shared, sold, traded, or leveraged to create affordable housing and human services sites. Promote communication between the Park Authority, the School Board, the Fairfax County Redevelopment and Housing Authority (FCRHA), and the Board of Supervisors with specific goals of cross-agency planning and partnership development with the private sector to better serve community needs. The CSB, for example, plans to move several existing group homes to barrier-free homes, which must be newly constructed to meet Americans with Disability Act standards. Designated land could remain a public asset, but serve a very specific need.
- Support the recommendation from the Single Room Occupancy (SRO) Task Force to move recommended zoning changes to a Priority One status for ordinance review.
- Join affordable housing preservation efforts and revitalization planning for concurrent planning for new affordable housing development.
- Encourage the FCRHA to actively support SRO development with more designated funding and project based subsidy for some units. Encourage the FCRHA to purchase as many Affordable Dwelling Units as possible in new developments for affordable rental opportunities for people with mental or physical disabilities who are low income.

- Review recommendations from active non-profit developers for reducing obstacles in the development process (Wesley Housing recently summarized recommendations to the FCRHA).
- Discuss possibilities of Laurel Hill projects that might meet the criteria which allow institutional uses or affordable housing. One example may be an SRO housing project with FCRHA replicating its success at Coan Ponds, but with a project based subsidy for lower income residents.

Therefore, Supervisor Hudgins moved that the Board refer these recommendations for consideration before the appropriate committees. Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor Smyth being out of the room.

50. **SCHOOL-AGE CHILD CARE (SACC) PROGRAM AT SUNRISE VALLEY ELEMENTARY SCHOOL (HUNTER MILL DISTRICT)**
(12:53 p.m.)

Supervisor Hudgins said that she is supportive of the SACC program and noted that the County Executive included funding for one SACC room at Sunrise Valley Elementary School in the Fiscal Year (FY) 2005 Budget. Currently, the Department of Family Services has 129 SACC program sites throughout the County.

Therefore, Supervisor Hudgins asked unanimous consent that the Board include a Consideration Item in the FY 2006 Budget for the addition of a second classroom to the SACC program at Sunrise Valley. Without objection, it was so ordered.

51. **DULLES CORRIDOR RAPID TRANSIT PROJECTS (HUNTER MILL DISTRICT)** (12:54 p.m.)

Supervisor Hudgins said that the Dulles Corridor Rapid Transit Project is critical to the Dulles Corridor, Fairfax County, and the region. In ensuring the completion and success of this significant transportation project, the Board must remain vigilant in its attention to the matters that will support it through every stage of the process, which includes the ongoing use of toll road revenues.

Supervisor Hudgins noted that the 1990 Commonwealth Transportation Board resolution recognized the importance of the than future Dulles Corridor Rapid Transit Project by insuring that surplus funds from the tolls would be set aside for future implementation of rail.

Supervisor Hudgins referred to her written Board Matter and noted that the document from the Virginia Department of Transportation Fiscal Year (FY) 2005

Budget provides a Statement of Estimated Revenues and Expenditures for the Dulles Toll Road. The anticipated amount set aside for Transit and Highway Improvements is \$8,687,837. Additionally, the amount projected for the Fairfax County Note Repayment is \$1.1 million, which is provided as accrual to the repayment of the \$4,325,000 loan due December 1, 2008.

While the FY 2005 Budget information is helpful, Supervisor Hudgins moved that the Board request a response to the following:

- 1) Why the expenditures for FY 2005 Highway Improvements are not included as part of Operation and Maintenance Cost for the Toll Road.
- 2) What the balance of the Reserve Maintenance is and how it has been spent in previous years.
- 3) In an effort to understand the Toll revenue and expenditures over the past years, provide the Actual of Revenue and Expenditures for the Dulles Toll Road from FY 2001 through FY 2004.
 - a. What the yearly breakdown was for expenditures for Operation and Maintenance.
 - b. What the balance has been, if any, in the budgeted revenue from previous years. If there was any, was it carried forward.
 - c. What the yearly breakdown was for allocation of Transit Improvements.
 - d. What the yearly breakdown was for allocation Highway Improvements.
- 4) What the cost has been to operate the Dulles Toll Road in past years, currently, and projected over the next five years.
- 5) How the cost to operate the Dulles Toll Road compares to other toll facilities in the Commonwealth.
- 6) What the cumulative amount set aside is for the Fairfax County Note Repayment.

Supervisor Hudgins said that the Board has repeatedly urged that increased surplus toll road revenues be set aside to support transit in the Corridor and prepare for the implementation of rail.

Therefore, Supervisor Hudgins moved that the Board direct staff to prepare a letter to the Secretary of Transportation, first expressing the Board's appreciation for the 85 percent of surplus toll revenues for transit set-aside in FY 2005; and second request a response to the above questions in the continued effort of the County working with the Commonwealth Transportation Board to insure that through the efficient use of toll road revenues, substantial funds will be available for rail in the Dulles Corridor. Supervisor Kauffman seconded the motion and it carried by a vote of nine, Supervisor Smyth being out of the room.

52. **2004 HUNTER MILL DISTRICT COAT CLOSET FOR ADULTS AND CHILDREN IN NEED** (12:59 p.m.)

Supervisor Hudgins announced that November 15, 2004, marks the beginning of the 2004 Hunter Mill District Coat Closet for adults and children in need. Co-sponsored by Reston Interfaith, this is the third annual Coat Closet.

The Coat Closet will be open Mondays, 10 a.m. - noon; Thursdays, 5 - 8 p.m.; and Saturdays, 9 - 11 a.m. for donations and for those looking for a coat. Donations of new and "gently used" (i.e. in good condition and dry cleaned) winter coats will be accepted at the North County Government Center at 12000 Bowman Towne Drive in Reston during Coat Closet hours. Both child and adult sizes are needed (X large and XX Large are especially appreciated). All donations are tax deductible.

The closet is in need of volunteers to assist clients in selecting coats, greet donors, and sort coat donations. Those interested in being part of the volunteer effort may contact Faye Yu at 703-481-8276 or FayeYu@restoninterfaith.org.

Supervisor Hudgins expressed her appreciation to Reston Interfaith for its support, the corps of volunteers, and all those who will contribute to making this year's Coat Closet a success.

Supervisor Hudgins noted that staff has already issued a release about the Coat Closet and expressed her appreciation for their short turnaround and dissemination that has already occurred.

53. **SUPPLEMENTAL PAY FOR MAGISTRATES** (1 p.m.)

Supervisor Hyland said that Virginia Code § 19.2-46.1 provides the opportunity for local jurisdictions to supplement the salaries of magistrates. Neighboring counties supplement the salaries of magistrates.

Therefore, Supervisor Hyland asked unanimous consent that the Board direct staff to evaluate the salaries of Magistrates in comparison to neighboring jurisdictions and its effect on the proposed 2006 budget. Without objection, it was so ordered.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to report with the following information:

- What the State responsibility is and what the local responsibility is.
- When the last time was that the State adjusted compensation for magistrates.
- What the powers and duties of magistrates are.

Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

Supervisor Hudgins asked unanimous consent that the Board direct staff to report with information regarding compensation for other State constitutional officers. Without objection, it was so ordered.

Supervisor Gross noted that the spreadsheet referenced in the written Board Matter was not attached.

54. **PROFFERED CONDITION AMENDMENT APPLICATION PCA 80-L-070
AND SPECIAL EXCEPTION APPLICATION SE 2004-MV-020
COMMONWEALTH CONSTRUCTION MANAGEMENT (MOUNT
VERNON DISTRICT) (1:03 p.m.)**

Supervisor Hyland referred to his written Board Matter regarding Commonwealth Construction Management and moved that the Board direct:

- The Director of the Department of Public Works and Environmental Services to process the site plan and other associated plans concurrently with Proffered Condition Amendment Application PCA 80-L-070 and Special Exception Application SE 2004-MV-020.
- Staff to schedule a public hearing to be held before the Board on December 6, 2004, for Special Exception Amendment Application SEA 01-H-027 (sic).

Approval of this motion shall not prejudice the review of this application. Supervisor Kauffman seconded the motion and it carried by a vote of nine, Supervisor Smyth being out of the room.

55. **FEE WAIVER FOR COLD WAR MUSEUM AND DISCUSSION OF MUSEUMS (MOUNT VERNON AND SULLY DISTRICTS)** (1:03 p.m.)

Supervisor Hyland referred to his written Board Matter regarding the Cold War Museum and moved that the Board waive the requirement for the payment of review fees set forth in Section IV (C) of the procedures adopted by the Board on February 24, 2003, regarding proposals made pursuant to the Public-Private Educational Facilities and Infrastructure Act of 2002 for a proposal submitted by the Cold War Museum. Supervisor Kauffman seconded the motion and it carried by unanimous vote.

A brief discussion ensued, with input from Anthony H. Griffin, County Executive, regarding the Smithsonian Institution's National Air and Space Museum.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to review the issue of providing information at the Steven F. Udvar-Hazy Center about Fairfax County and add the issue to the agenda of the Loudoun/Fairfax County joint meeting. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

A brief discussion ensued, with input from Mr. Griffin, regarding the availability of appropriate materials.

56. **MASON NECK OVERLAY (MOUNT VERNON DISTRICT)** (1:08 p.m.)

Supervisor Hyland said that during the October 2004 quarterly meeting, the members of the Mason Neck Citizens Association expressed concern at the increase in and type of development which is occurring on Mason Neck. They voted in support of the Mason Neck Overlay District Task Force Report (completed a number of years ago) which recommended establishing historic overlay districts in parts of Mason Neck. At the same time, they recommended moving it forward for enactment by the Board. Its recommendations, including low impact development, are important. The Mason Neck Citizens Association urges the Board to implement the recommendations of that task force.

Therefore, Supervisor Hyland asked unanimous consent that the Board direct staff to review the provisions and recommendations of the Mason Neck Overlay District Task Force Report and report with recommendations. Without objection, it was so ordered.

57. **MENTAL ILLNESS** (1:09 p.m.)

Supervisor McConnell said that she has long been concerned about many aspects related to the treatment of mental illness. For many years, the Virginia Code has contained provisions whereby a judge may order a person into involuntary treatment as an outpatient and, at the same time, order that person to take anti-psychotic medication. If the person should fail to adhere to the terms of the outpatient treatment plan, which could include the taking of anti-psychotic medication, the judge may follow a procedure to revoke the outpatient status and order the person to be involuntarily committed to a hospital.

Supervisor McConnell said that Section 37.1-67.3, paragraph J, of the Virginia Code specifies that before a judge may order a person into involuntary outpatient treatment, the judge must make several specific findings, including that the ordered treatment can, in fact, be delivered on an outpatient basis and that that treatment can be monitored by the local Community Services Board (CSB) or designated service provider. Under this same code provision, the local CSB has certain responsibilities. The CSB must prepare and recommend to the court a specific course of treatment as well as programs that will provide the treatment. The CSB must also monitor the person's compliance with all court-ordered treatment.

Therefore, Supervisor McConnell moved that the Board direct the County Executive to:

- Report with information regarding the extent to which, since 1996, the CSB has participated in cases where the court has ordered outpatient involuntary treatment under Section 37.1-67.3 of the Virginia Code, including those cases where the court has ordered the person to take anti-psychotic medication.
- Advise the Board as to the relative success of court-ordered outpatient involuntary treatment where the CSB has recommended and monitored the treatment plan. If this type of outpatient treatment has not been utilized either successfully or as often as it could be utilized, the report should identify those things that would be necessary in order to make it a successful program in the County.

Supervisor Bulova seconded the motion and it carried by unanimous vote.

58. **EAST MARKET AT FAIR LAKES GOVERNMENT CENTER LAND BAY A – PETERSON COMPANIES (SPRINGFIELD DISTRICT)** (1:13 p.m.)

Supervisor McConnell stated that the Peterson Companies has submitted applications for an addition to East Market at Fair Lakes, a project on Government Center Land Bay A for residential and retail anchored by a Whole Foods store. The applicant has filed Final Development Plan Amendment Application FDP A 82-P-069-14-4 for a 10,880 foot retail building on the west side of Kohl's in Fair Lakes and Final Development Plan Amendment Application FDP A 82 P-069-6-7, an application to allow the construction of a portion of the Whole Foods store, whose footprint lies partially within Fair Lakes as well as Land Bay A. The applicant has requested concurrent processing of the site plans with the associated final development plan amendment applications. The reason for the concurrent processing is to expedite the construction of the Whole Foods building and so that the proposed retail shops in the west addition can be built at the same time as the shops on Land Bay A.

Therefore, Supervisor McConnell moved that the Board approve concurrent processing of these site plans with the associated final development plan amendment applications. This motion does not relieve the applicant from complying with all regulations, ordinances, or adopted standards, and does not prejudice the consideration of these applications in any way. Supervisor Bulova seconded the motion and it carried by unanimous vote.

59. **RECESS/CLOSED SESSION** (1:15 p.m.)

Supervisor Gross moved that the Board recess and go into closed session for discussion and consideration of matters enumerated in *Virginia Code* Section 2.1-3711 and listed in the agenda for this meeting as follows:

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2-3711(A) (1).
- (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A) (3).
- (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711(A) (7).

1. Board of Supervisors of Fairfax County, Virginia v. Board of Zoning Appeals of Fairfax County, Virginia, et al., Record No. 032390 (Sup. Ct. Va.) (Providence District)
2. Adel S. Kebaish, et al. v. Board of Zoning Appeals, et al., Record No. 041427 (Va. Sup. Ct.) (Hunter Mill District)
3. William E. Shoup, Fairfax County Zoning Administrator v. The Ira and Virginia Cox Limited Partnership, LLP, At Law No. 210690, In Chancery No. 183107 (Fx. Co. Cir. Ct.) (Sully District)
4. Department of Family Services v. My Thi Nguyen, Record No. 0938-04-4 (Va. Ct. App.)
5. County of Fairfax, Virginia v. Rukhsana Khalid, a/k/a Rukshana Khalid, Rashid Khalid, GMAC Mortgage Corporation, and Specialized, Inc., of Virginia, In Chancery No. 185680 (Fx. Co. Cir. Ct.) (Braddock District)
6. William J. Taylor v. Stephen M. Farmer, Stephen M. Farmer, P.C., Penelope Ann Rood, and Thomas Daines, At Law No. 218918 (Fx. Co. Cir. Ct.)
7. William E. Shoup, Fairfax County Zoning Administrator v. Lake Braddock Community Association, Inc., In Chancery No. 190724 (Fx. Co. Cir. Ct.), and Lake Braddock Community Association v. Board of Zoning Appeals of Fairfax County, Virginia, At Law No. 221687 (Braddock District)
8. William E. Shoup, Fairfax County Zoning Administrator v. Curtis Centre LLC, Gimbert Properties LLC, and Davinder Singh, In Chancery No. 190614 (Fx. Co. Cir. Ct.) (Sully District)

9. William E. Shoup, Fairfax County Zoning Administrator v. Reza Rafi, et al., In Chancery No. 190666 (Fx. Co. Cir. Ct.) (Dranesville District)
10. Mark Wiseman v. Zoning Administrator, et al., At Law No. 224884 (Fx. Co. Cir. Ct.) (Springfield District)
11. D. Joseph Luce and Susan Luce v. Capital Structures, Inc., Jeffrey Gunther, Joan Gunther, and Fairfax County, Virginia, In Chancery No. 189146 (Fx. Co. Cir. Ct.) (Dranesville District)
12. Charleen Bochicchio v. Board of Supervisors of Fairfax County and AM-Liner East, Inc., At Law No. 217278 (Fx. Co. Cir. Ct.) (Dranesville District)
- William J. Koury and Jennifer Koury v. Board of Supervisors of Fairfax County and AM-Liner East, Inc., At Law No. 217279 (Fx. Co. Cir. Ct.) (Dranesville District)
13. William E. Shoup, Fairfax County Zoning Administrator v. Power Fuel and Transport Real Estate Holding Company, LLC, In Chancery No. 187080 (Fx. Co. Cir. Ct.) (Mount Vernon District)
14. Jane W. Gwinn, Fairfax County Zoning Administrator v. Nathan Rorls, In Chancery No. 160544 (Fx. Co. Cir. Ct.) (Springfield District)
15. William E. Shoup, Fairfax County Zoning Administrator, and Jimmie D. Jenkins, Director, Department of Public Works and Environmental Services v. Ved P. Gupta and Ajaib S. Toor, In Chancery No. 178658 (Fx. Co. Cir. Ct.) (Lee District)
16. William E. Shoup, Fairfax County Zoning Administrator v. Doris Heath Douglass, Trustee, et al., In Chancery No. 188183 (Fx. Co. Cir. Ct.) (Springfield District)

17. William E. Shoup, Fairfax County Zoning Administrator v. Susan C. Beck, Louis Kobus, Jr., and Village Turf, Inc., In Chancery No. 173551 (Fx. Co. Cir. Ct.) (Lee District)
18. Roubin Associates L.L.C. v. The Board of Supervisors of Fairfax County, Virginia, In Chancery No. 192512 (Fx. Co. Cir. Ct.) (Mount Vernon District)
19. Zoning Enforcement Issues Related to Places of Worship and the Application of the Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA)
20. William E. Shoup, Fairfax County Zoning Administrator v. Teresa Harris, In Chancery No. 192810 (Fx. Co. Cir. Ct.) (Hunter Mill District)
21. William E. Shoup, Fairfax County Zoning Administrator v. Hrair H. Kazanjian, In Chancery No. 192518 (Fx. Co. Cir. Ct.) (Mount Vernon District)
22. William E. Shoup, Fairfax County Zoning Administrator v. Jaime A. Sanchez, Felicya M. Aulia, and Noor M. Aulia, In Chancery No. 192476 (Fx. Co. Cir. Ct.) (Mason District)
23. Board of Supervisors v. Kenney Builders, Inc., et al., At Law No. 213596 (Fx. Co. Cir. Ct.) (Dranesville District)

And in addition:

- Potomac Hills Project Z00018-Z131
- Board of Supervisors Resolution Regarding the Indemnification and Representation of Officers and Employees
- Cochran versus Board of Zoning Appeals, 267 Va. 756, 594 S.E.2d 571 (2004)
- Special Permit Application SPA 90-S-057-2; Antioch Baptist Church

- Julie K. Dorn versus Richard Mullins, et al.; At Law Number 222928
- Va. Code Ann. §24.2-604

Supervisor Bulova seconded the motion and it carried by unanimous vote.

DS:ds

At 3:55 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Connolly presiding.

ACTIONS FROM CLOSED SESSION

60. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:56 p.m.)

Supervisor Bulova moved that the Board certify that, to the best of its knowledge, only public business matters lawfully exempted from open meeting requirements and only such public business matters as were identified in the motion by which closed session was convened were heard, discussed, or considered by the Board during the closed session. Supervisor Hyland seconded the motion and it carried by unanimous vote, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE."

61. **AMENDMENT TO APPENDIX A OF THE RESOLUTION ON THE INDEMNIFICATION AND REPRESENTATION OF OFFICERS AND EMPLOYEES** (3:56 p.m.)

(BACs) Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved that the Board amend Appendix A to its Resolution on the Indemnification and Representation of Officers and Employees to include the Fairfax County Board of Zoning Appeals as one of the Boards and Commissions covered by the Resolution on Indemnification and Representation of Officers and Employees. Supervisor Gross seconded the motion and it carried by unanimous vote.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

AGENDA ITEMS

62. **3 P.M. – DECISION ONLY ON PROPOSED OUT-OF-TURN PLAN AMENDMENT S02-II-V2 FOR LAND UNIT C OF THE VIENNA TRANSIT STATION AREA, LOCATED SOUTH OF I-66 AND THE VIENNA METRO STATION (PROVIDENCE DISTRICT)** (3:58 p.m.)

Supervisor Smyth moved to defer decision on Out-of-Turn Plan Amendment S02-II-V2 until **December 6, 2004, at 3 p.m.** Supervisor Gross seconded the motion and it carried by unanimous vote.

63. **3 P.M. – PH ON PROPOSED OUT-OF-TURN PLAN AMENDMENT S01-CW-9CP REGARDING UPDATES TO THE POLICE SECTION OF THE PUBLIC SAFETY COMPONENT OF THE POLICY PLAN** (3:59 p.m.)

Supervisor Hyland moved to defer the public hearing on Out-of-Turn Plan Amendment S01-CW-9CP until **December 6, 2004, at 3 p.m.** Supervisor McConnell seconded the motion and it carried by unanimous vote.

64. **3 P.M. – DECISION ONLY FOR THE ENLARGEMENT OF SMALL AND LOCAL SANITARY DISTRICT FOR REFUSE/RECYCLING, COLLECTION SERVICE (DRANESVILLE DISTRICT)** (3:59 p.m.)

- (R) (NOTE: At its October 18, 2004, meeting the Board held a public hearing on this item and deferred decision until November 15, 2004.)

Supervisor DuBois moved adoption of the proposed Resolution for the Dranesville District in accordance with the Board's adopted criteria for the Creation/Enlargement/Withdrawal of Small or Local Sanitary Districts as follows:

<u>Sanitary District</u>	<u>Action</u>	<u>Service</u>	<u>Recommendation</u>
Small District 4 Within Dranesville District (Rosemont Subdivision Area)	Enlarge 34 Units	Refuse and Recycling	Approve

Supervisor Hyland seconded the motion and it carried by unanimous vote, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE."

DET:det

65. **3:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 83-L-048-02 (JENSEN PLACE PARTNERSHIP, LLC) (LEE DISTRICT)** (4:00 p.m.)

The application property is located at 6626 Backlick Road, Tax Map 90-2 ((1)) 17A.

Mr. John Manganello reaffirmed the validity of the affidavit for the record.

Mr. Manganello had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Following the public hearing, Lindsay Shulenberger, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Kauffman moved:

- Approval of Special Exception Amendment Application SEA 83-L-048-02, subject to the development conditions dated October 21, 2004.
- Waiver of the minimum required open space, pursuant to Section 9-622 of the Zoning Ordinance.
- Waiver of the minimum required rear yard, pursuant to Section 9-622 of the Zoning Ordinance.
- Waiver of the trail requirement along Backlick Road in favor of the sidewalk and streetscape as shown on the SEA Plat.
- Approval of a parking reduction of up to 17 percent in a Commercial Revitalization District, in accordance with Section A7-509 of the Zoning Ordinance, subject to the proposed development conditions.

Supervisor McConnell seconded the motion and it carried by unanimous vote.

66. **3:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 01-H-027 (TRIZECHAHN RESTON II LLC) (HUNTER MILL DISTRICT)** (4:06 p.m.)

The application property is located at 12000 Sunrise Valley Drive, Tax Map 17-3 ((8)) 1B.

Ms. Hillary Katherine Zahm reaffirmed the validity of the affidavit for the record.

Ms. Zahm had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and she proceeded to present her case.

Following the public hearing, Tracy Swagler, Senior Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Hudgins moved approval of Special Exception Amendment Application SEA 01-H-027, subject to the development conditions dated October 6, 2004. Supervisor McConnell seconded the motion and it carried by a vote of nine, Supervisor Kauffman being out of the room.

67. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2003-DR-049 (ROSEWOOD BUILDING AND DEVELOPMENT, LLC) (DRANESVILLE DISTRICT)** (4:09 p.m.)

(O) The application property is located in the southeast quadrant of Davidson Road and Chain Bridge Road, Tax Map 30-4 ((1)) 3, 3A, 4, 5, 5A, and 6.

Mr. William B. Lawson, Jr. reaffirmed the validity of the affidavit for the record.

Chairman Connolly disclosed the following campaign contribution which he had received:

- \$100 from Mr. Keith Martin of Sack Harris and Martin, P.C.

Mr. Lawson had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Following the public hearing, Cathy Lewis, Senior Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor DuBois submitted items for the record.

Supervisor DuBois moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2003-DR-049, from the R-12, R-3, and CRD Districts to the PDH-12 and CRD Districts, subject to the proffers dated November 8, 2004.
- Waiver of the 200 square foot privacy yard requirement for the six rear-loaded units (Lots 8 through 13).
- Modification of the transitional screening and barrier requirements along Chain Bridge Road and Davidson Road in favor of the landscaping and fencing depicted on the Conceptual Development Plan/Final Development Plan (CDP/FDP).
- Modification of the Comprehensive Plan trail requirement along Chain Bridge Road in favor of the sidewalk depicted on the CDP/FDP.
- Waiver of the service drive requirement along Chain Bridge Road.
- Modification of Section 12-07021B(2) of the Public Facilities Manual to permit a minimum planting width of five feet for trees along Chain Bridge Road and Davidson Road.
- Waiver of the provisions of Section 6-0303.8 of the Public Facilities Manual to permit the use of an underground detention facility and a separate underground water control facility in a residential area, subject to the development conditions entitled *Waiver #026839 Conditions* dated September 28, 2004.

Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor Hudgins being out of the room.

Supervisor DuBois moved to approval of the Resource Protection Area (RPA) Exception CBE Number 026459, to permit the encroachments into the RPA depicted on the revised plat, subject to the proposed development conditions dated September 27, 2004. Supervisor McConnell seconded the motion and it carried by a vote of nine, Supervisor Hudgins being out of the room.

On October 21, 2004, the Planning Commission approved Final Development Plan Application (FDP) 2003-DR-049, subject to the development conditions contained in Appendix 2 of the staff report.

68. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2004-SU-009
(POPLAR TREE, LLC) (SULLY DISTRICT)** (4:20 p.m.)

(O) The application property is located on the south side of Poplar Tree Road at the terminus of Lee's Corner Road, Tax Map 44-4 ((1)) 9A.

Mr. Gregory A. Riegle reaffirmed the validity of the affidavit for the record.

Supervisor Frey disclosed the following campaign contribution which he had received:

- In excess of \$200 from Mr. Carson L. Fifer

Supervisor McConnell disclosed that she has a business relationship with M.J. Wells and Associates which is not related to any party to this application.

Mr. Riegle had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Following the public hearing, Kristen Crookshanks, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Frey moved amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2004-SU-009, from the R-1 District to the PDH-2 District, subject to the proffers dated September 21, 2004. Supervisor Hyland seconded the motion, and it carried by a vote of eight, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hyland, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor Hudgins and Supervisor Kauffman being out of the room.

Supervisor Frey moved to modify the right-of-way dedication for Poplar Tree Road. Supervisor Hyland seconded the motion and it carried by a vote of eight, Supervisor Hudgins and Supervisor Kauffman being out of the room.

On September 22, 2004, the Planning Commission approved Final Development Plan Application FDP 2004-SU-009, subject to the development conditions dated September 22, 2004.

69. **4 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 1998-DR-049-02 (HAMPSTEAD VILLAGE LLC) (DRANESVILLE DISTRICT)** (4:26 p.m.)

Supervisor DuBois moved to defer the public hearing on Proffered Condition Amendment Application PCA 1998-DR-049-02 until **December 6, 2004, at 3:30 p.m.** This motion, the second to which was inaudible, carried by a vote of eight, Supervisor Hudgins and Supervisor Kauffman being out of the room.

70. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX F, LOCAL AGRICULTURAL AND FORESTAL DISTRICT APPLICATION AF 004-SP-001 (MARK A. KOSTERS) (SPRINGFIELD DISTRICT)** (4:27 p.m.)

Supervisor McConnell moved to defer the public hearing on proposed amendments to the Code of the County of Fairfax, Appendix F, Local Agricultural and Forestal District Application AF 004-SP-001 until **January 10, 2005, at 3 p.m.** Supervisor Gross seconded the motion and it carried by a vote of nine, Supervisor Hudgins being out of the room.

71. **4 P.M. – PH ON THE PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING RECONSTRUCTION OF CERTAIN SINGLE FAMILY DWELLINGS THAT ARE DESTROYED BY CASUALTY** (4:28 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of October 28 and November 4, 2004.

William E. Shoup, Zoning Administrator, Department of Planning and Zoning, presented the staff and Planning Commission recommendation.

Supervisor Hyland moved adoption of the proposed amendment to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), as recommended by the Planning Commission and set forth in the staff report dated October 14, 2004, with an effective date of 12:01 a.m. on the day following adoption. Supervisor McConnell seconded the motion and it carried by a vote of nine, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor Hudgins being out of the room.

72. **4 P.M. – PH ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF FALLS HILL SANITARY SEWER EXTENSION AND IMPROVEMENT PROJECT (PROVIDENCE DISTRICT)** (4:40 p.m.)

(R) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of October 28 and November 4, 2004.

Robert Knutsson, Senior Right-of-Way Agent, Land Acquisition Division, Department of Public Works and Environmental Services, presented the staff report.

Following the public hearing, which included testimony by four speakers, Supervisor Smyth moved adoption of the Resolution authorizing the acquisition of certain land rights necessary for the construction of Project X00826, Extension Project Fiscal Year 1996 (1036) – Falls Hill Sanitary Sewer Extension and Improvement. Supervisor Hyland seconded the motion and it carried by a vote of seven, Supervisor Bulova, Supervisor DuBois, Supervisor Gross, Supervisor Hyland, Supervisor Kauffman, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor Frey, Supervisor Hudgins, and Supervisor McConnell being out of the room.

73. **4 P.M. – PH ON PROPOSED OUT-OF-TURN PLAN AMENDMENT S04-CW-1CP REGARDING REVISIONS TO THE ENVIRONMENT AND OTHER SECTIONS OF THE POLICY PLAN TO ADDRESS CHESAPEAKE BAY COMPREHENSIVE PLANNING REQUIREMENTS** (4:53 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of October 28 and November 4, 2004.

Noel Kaplan, Senior Environmental Planner, Planning Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Discussion ensued regarding tree cover goals for the County and for some or all of the watersheds within the County.

Following the public hearing, which included testimony by two speakers, Supervisor Gross moved approval of Out-of-Turn Plan Amendment SO4-CW-1CP, as recommended by the Planning Commission. Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor Frey and Supervisor McConnell being out of the room.

Supervisor Gross moved that:

- This adopted plan amendment be transmitted to the Chesapeake Bay Local Assistance Board (CBLAB).
- CBLAB be requested to find the County's Comprehensive Plan to be consistent with the Chesapeake Bay Preservation Act and Chesapeake Bay Preservation Area Designation and Management Regulations.
- Staff be requested to prepare implementation plans for the recommended actions, as identified, for consideration by the Board early next year.

Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor Frey and Supervisor McConnell being out of the room.

74. **4:30 P.M. – PH ON THE PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, EXPANDING THE CHANTILLY RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 29 (SULLY DISTRICT)** (5:21 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of October 28 and November 4, 2004.

Hamid Majdi, Transportation Planner II, Capital Projects and Operations Division, Department of Transportation, presented the staff report.

Supervisor Frey submitted an item for the record.

Following the public hearing, Supervisor Frey moved adoption of the proposed amendment to the Code of the County of Fairfax, Appendix G, expanding the Chantilly RPPD, District 29. The proposed District expansion includes Briarton Drive (Route 4662) from Tabscott Drive (Route 4648) to Gumwood Court (Route 6478). Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor Gross and Supervisor McConnell being out of the room.

75. **4:30 P.M. – PH ON A PROPOSAL TO PROHIBIT THROUGH TRUCK TRAFFIC ON THIRD PLACE, FOURTH PLACE, DIXON STREET, AND SANGER STREET AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (R-TAP) (MOUNT VERNON DISTRICT)** (5:24 p.m.)

(R) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of October 28 and November 4, 2004.

Doug Hansen, Senior Transportation Planner, Traffic Operations Section, Division of Capital Projects and Operations, Department of Transportation, presented the staff report.

Following the public hearing, which included testimony by three speakers, Supervisor Hyland moved adoption of the Resolution endorsing the following roads to be included in the R-TAP for a through truck traffic restriction:

- Third Place
- Fourth Place
- Dixon Street
- Sanger Street

Chairman Connolly seconded the motion and it carried by a vote of seven, Supervisor Bulova, Supervisor Frey, Supervisor Gross, Supervisor Hyland, Supervisor Kauffman, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor DuBois, Supervisor Hudgins, and Supervisor McConnell being out of the room.

76. **4:30 P.M. – PH ON THE PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO EXPAND THE RIVERVIEW COMMUNITY PARKING DISTRICT (CPD) (MOUNT VERNON DISTRICT)** (5:35 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of October 28 and November 4, 2004.

Paul Mounier, Transportation Planner II, Traffic Operations Section, Capital Projects and Operations Division, Department of Transportation, presented the staff report.

Chairman Connolly submitted two items for the record.

Following the public hearing, which included testimony by two speakers, Supervisor Hyland moved to defer decision on the adoption of the proposed amendment to the Code of the County of Fairfax, Appendix M, expanding the Riverview CPD, to **December 6, 2004, at 3 p.m.** Supervisor Smyth seconded the motion and it carried by a vote of seven, Supervisor Bulova, Supervisor DuBois, and Supervisor Hudgins being out of the room.

77. **4:30 P.M. – PH ON REZONING APPLICATION RZ 2004-BR-017 (GANJI MASSOUMEH) (BRADDOCK DISTRICT)** (5:35 p.m.)

- (O) The application property is located on the east side of Sideburn Road approximately 125 feet south of Fyfe Court, Tax Map 77-2 ((1)) 7.

Mr. Paul Hoofnagle reaffirmed the validity of the affidavit for the record.

Mr. Hoofnagle had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Following the public hearing, Aaron Shriber, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Bulova moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2004-BR-017, from the R-1 District to the R-3 District, subject to the proffers dated September 30, 2004.
- Modification of the minor paved trail along Sideburn Road in favor of construction of a five-foot wide concrete sidewalk.

Supervisor Smyth seconded the motion and it carried by a vote of seven, Supervisor Bulova, Supervisor Frey, Supervisor Gross, Supervisor Hyland, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor DuBois, Supervisor Hudgins, and Supervisor Kauffman being out of the room.

78. **5 P.M. – PH ON REZONING APPLICATION RZ 2004-SP-013 (STANLEY MARTIN COMPANIES, INCORPORATED) (SPRINGFIELD DISTRICT)** (5:52 p.m.)

- (O) The application property is located on the south side of Post Forest Drive 500 feet east of its intersection with West Ox Road, Tax Map 56-1 ((1)) 11 H pt. and 11 I, previously known as 56-1 ((1)) 11C pt., 11E, 11F, 11G pt.

Mr. Robert A. Lawrence reaffirmed the validity of the affidavit for the record.

Supervisor McConnell disclosed a business relationship with M.J. Wells and Associates which is not related to any party to this application.

Mr. Lawrence had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Following the public hearing, Kristen Crookshanks, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor McConnell moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2004-SP-013, from the R-1 and WS Districts to the R-8 and WS Districts, subject to the proffers dated October 18, 2004.
- Waiver of the 600-foot maximum length requirement for private streets.
- Modification of the rear yard requirements to allow a minimum of eight-foot rear yards for the rear-load units.
- Modification of the privacy yard requirements for the rear-load units.

Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor Bulova, Supervisor Frey, Supervisor Gross, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor DuBois and Supervisor Hudgins being out of the room.

79.

5 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2004-LE-015 (PCC-VAN DORN LLC) (LEE DISTRICT) AND PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA C-448-31 (PCC-VAN DORN LLC) (LEE DISTRICT) (5:57 p.m.)

Supervisor Kauffman moved to defer the public hearing on Special Exception Application SE 2004-LE-015 and Proffered Condition Amendment Application PCA C-448-31 until **December 6, 2004, at 4 p.m.** This motion, the second to which was inaudible, carried by a vote of eight, Supervisor DuBois and Supervisor Hudgins being out of the room.

80. **5 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION
SEA 80-P-078-13 (INOVA HEALTH CARE SERVICES) (PROVIDENCE
DISTRICT)** (5:57 p.m.)

The application property is located at 3300 Gallows Road, Tax Map 49-3 ((1)) 136C, 136C1, and 59-2 ((1)) 1A pt., 1B pt., 1C pt., 1D, and 1E.

Ms. Susan Yantis reaffirmed the validity of the affidavit for the record.

Supervisor Gross disclosed that she represents the County on the INOVA Health Care Services Board.

Supervisor McConnell disclosed that she :

- Represents the Board on the Board of Trustees for INOVA.
- Received a campaign contribution in excess of \$500 from Mr. Richard Magenheimer.

Supervisor Hyland disclosed:

- That he is a member of the INOVA Hospital Health Care Services Board.

Chairman Connolly disclosed the following campaign contribution which he received:

- In excess of \$200 from Mr. Stephen Cumbie of the INOVA Health Systems Foundation Board

Ms. Yantis had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and she proceeded to present her case.

Following the public hearing, Lindsay Shulenberger, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Smyth moved:

- Approval of Special Exception Amendment Application SEA 80-P-078-13, subject to the proposed development conditions dated November 15, 2004.

- Modification of the transitional screening requirements and waiver of the barrier requirements in favor of that shown on the SEA Plat, subject to the proposed development conditions dated November 15, 2004.
- Reaffirmation of the waiver of the trail requirement along Gallows Road in favor of the trail and sidewalk shown on the SEA Plat, subject to the proposed development conditions dated November 15, 2004.

Supervisor Gross seconded the motion and it carried by a vote of eight, Supervisor DuBois and Supervisor Hudgins being out of the room.

81. **5 P.M. – PH TO RECEIVE COMMENT FROM CITIZENS ON THE PROPOSED LEGISLATIVE PROGRAM TO BE PRESENTED TO THE 2005 VIRGINIA GENERAL ASSEMBLY** (6:04 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of October 28 and November 4, 2004.

Following the public hearing, which included testimony by six speakers, Chairman Connolly announced that the record would remain open for written testimony and the Board would take action on the legislative program at the December 6, 2004, meeting.

82. **BOARD ADJOURNMENT** (6:22 p.m.)

At 6:22 p.m., the Board adjourned.

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